IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 13TH JULY 2006 / 22ND ASHADHA,1928

Bail Appl..No. 4186 of 2006

CP.4/2006 of J.M.F.C., KATTAPPANA
(CRIME NO.202/2004 OF KATTAPPANA POLICE STATION)

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: PETITIONER/ACCUSED:

BINU, S/O. OUSEPH,
KURISINKAL VEEDU, KURISINKAL CITY, KOZHIMALA KARA,
AYYAPPANKOVIL VILLAGE, IDUKKI DISTRICT.

BY ADV. SRI.JOICE GEORGE

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KATTAPPANA POLICE STATION, KATTAPPANA.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4186/2006

DATED THIS THE 13TH DAY OF JULY, 2006

O R D E R

The petitioner is the accused, in crime No.202/2004 of Kattappana Police Station, for the offence punishable under Sections 8(1) & 8(2) and 55 (a) of the Abkari Act, as he was found in illegal possession of 1.9 liters of arrack, stored in his house. He could not be arrested, as he was absconding, though the contraband was seized from his house. Now he is before this Court, under Section 438 Cr.P.C.

2. I heard both sides. The learned counsel submitted that the final report had already been filed before the Court below and the matter is now pending under the committal proceedings.

3. In the circumstances of this case, I direct the petitioner to surrender before the Judicial Magistrate of First Class, Kattappana, on 19.7.2006 at

11.00 a.m., and move an application for bail, after serving copy of the same to the APP of that Court, in which event, the learned Magistrate shall dispose of the application for bail, on the same day itself, on merit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs